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PATENT

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ON 1/11/05 BETH JOHNSON Beth Johnson

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Donald A. SCHON et al. :
:
Serial No.: 10/659,824 : Group Art Unit: 3742
:
Filed: 11 September 2003 : Examiner: Daniel Leon Robinson
:
For: SPLITTABLE MULTILUMEN :
CATHETER ASSEMBLY : Attorney Docket No.: MED-0005C1

RESPONSE TO RESTRICTION REQUIREMENT

This correspondence is in response to an Office Action setting forth a written restriction requirement, mailed 13 December 2004, and is being timely filed within the shortened statutory period of one month set for response to the Office Action.

In the Restriction Requirement, the Examiner stated that claims 1-22 are drawn to a catheter and claims 23-35 are drawn to a method of making the catheter. However, claims 1-35, as well as claims 36-41 were cancelled by Preliminary Amendment, with new claims 42-54 being added.

In a telephone call between the undersigned and the Examiner on 10 January 2005, the Examiner requested an election of any species in claims 42-54 consonant with the Restriction Requirement. In response, Applicants traverse the Restriction on the grounds that independent claim 42 is generic. This claim does not make a distinction between a circular shaped catheter (Species A), a semi-circular shaped catheter (Species B) and an oval catheter (Species C). However, Applicants elect Invention I, Species B for examination. This election covers Fig. 2d and includes claims 42-54.

No fee is believed to be due for filing the response. However, if any fee is due, please charge the fee to Deposit Account No. 502434.

Prompt examination and allowance of this application is respectfully requested.

Respectfully Submitted,

Donald A. SCHON et al.

10 JAN 2605
Date


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